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AUG 19 2019

S.D. SEC. OF STATE

August 16, 2019

Hon. Steve Barnett  
Secretary of State  
500 E Capitol Avenue  
Pierre, SD 57501

Dear Secretary Barnett,

The Legislative Research Council received a constitutional amendment to create a commission for apportionment of the state legislature. The amendment requires a fiscal note because it was determined that it may have an impact on revenues, expenditures, or fiscal liability of the state or its agencies and subdivisions. SDCL 2-9-31 requires the fiscal note be no longer than fifty "words." Therefore, numbers, percentages, and symbols do not count against the fifty-word limit.

The fiscal note examines the fiscal impacts associated with creating a commission for apportionment of the state legislature. The amendment sets the size of the commission at 5 members, a decrease from the 15 legislative committee members who have historically done the work of developing the plan to reapportion legislative districts. The amendment also assigns the Secretary of State to serve as the secretariat and the Office of the Attorney General as legal assistance.

The State would see savings in expenditures through fewer members on the committee and the elimination of a special legislative session. The Secretary of State and Office of Attorney General would have increased costs in order to staff, provide legal counsel, travel for meetings, and provide computers to the non-legislative committee members.

Enclosed is a copy of the initiated measure, in final form, that was submitted to this office. In accordance with SDCL 2-9-31, I hereby submit the Legislative Research Council's fiscal note with respect to this initiated measure.

Sincerely,

Jason Hancock  
Director

Enclosures

Cc: Dan Ahlers

# **SOUTH DAKOTA LEGISLATIVE RESEARCH COUNCIL**

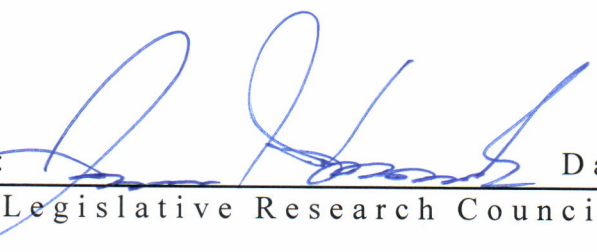
## **FISCAL NOTE**

### **INITIATED CONSTITUTIONAL AMENDMENT**

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**AN INITIATED AMENDMENT TO THE SOUTH DAKOTA CONSTITUTION CREATING A  
COMMISSION FOR APPORTIONMENT OF THE STATE LEGISLATURE.**

A commission for apportioning the Legislature would eliminate the expense for a special legislative session and decrease the committee composition by 10 members, resulting in less cost. Additional expenses would be incurred for staffing, legal assistance, and computer hardware. The estimated increased cost to the State is \$15,996 every 10 years.

Approved: 

Date:

8/16/19

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Director, Legislative Research Council

Be it enacted by the people of South Dakota:

Section 1. That Article III, section 5, of the Constitution of the State of South Dakota, be amended to read as follows:

~~§ 5. The Legislature shall apportion its membership by dividing the state into as many single-member, legislative districts as there are state senators. House districts shall be established wholly within senatorial districts and shall be either single member or dual member districts as the Legislature shall determine. Legislative districts shall consist of compact, contiguous territory and shall have population as nearly equal as is practicable, based on the last preceding federal census. An apportionment shall be made by the Legislature in 1983 and in 1991, and every ten years after 1991. Such apportionment shall be accomplished by December first of the year in which the apportionment is required. If any Legislature whose duty it is to make an apportionment shall fail to make the same as herein provided, it shall be the duty of the Supreme Court within ninety days to make such apportionment.~~

Beginning in 2021, and every ten years thereafter, a commission composed of five registered voters in this state appointed under this section shall apportion the membership of the Legislature. A member of the commission must not have been a candidate for or elected to any public office or have been an official in any political party during the three years immediately preceding, or during the three years immediately following, the member's term on the commission. No more than two members of the commission may be members of the same political party. A member of the commission must have been continuously registered with the same political party or registered as unaffiliated for at least three years immediately preceding the member's appointment to the commission.

The following persons shall each appoint one member of the commission: the majority leader of the House of Representatives; the minority leader of the House of Representatives; the majority leader of the Senate; the minority leader of the Senate; and the Secretary of State.

The commission shall apportion the membership of the Senate by establishing single-member legislative districts equal to the number of state senators as provided by law. The commission shall apportion the membership of the House of Representatives by establishing single-member districts or a dual-member district, wholly within a senatorial district in accordance with the law of this state or the United States.

Each senatorial district shall be equal in population to the extent practicable and mapped in a grid-like pattern across the state. Any adjustment to a senatorial district may be made solely based on the following criteria, in the following priority order:

1. Complying with the Constitution of the United States, this constitution, and federal law, and creating geographically contiguous districts;
2. Minimizing divisions of counties;
3. Minimizing divisions of municipalities;



4. Minimizing divisions of census blocks;
5. Using visible geographic features;
6. Creating geographically compact districts to the extent practicable; and
7. Maintaining the same or similar socio-economic areas to the extent practicable.

The commission may not use party registration, voting history, or place of residence for any legislative incumbent or candidate to establish a senatorial district.

The Office of the Secretary of State shall serve as the secretariat of the commission and shall assist the commission as the commission may require. The Office of the Attorney General shall provide legal assistance to the commission as the commission may require. The members of the commission shall receive for their services the same salary and travel expenses fixed for members of the Legislature under law.

The Legislature shall enact any law necessary to enforce this section.